

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DAVID DAMANTE,

Defendant.

Case No. 2:11-cr-0064-APG-CWH

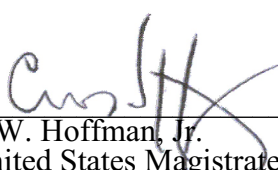
**ORDER**

This matter is before the Court on Defendant's Motion for Medical Furlough (#244), filed January 10, 2014, and the Government's Response (#245), filed January 16, 2014.

On November 27, 2013, Defendant entered pled guilty to counts one and five of the superseding indictment. Defendant's request to be released from custody pending sentencing was denied. *Id.* By way of his current motion, Defendant requests an order granting him medical furlough to be seen by an orthopedic specialist for an injury to his knee. Defendant has cited to no legal authority to support the proposition that the Court may order the requested medical furlough. "The failure of a moving party to file points and authorities in support of the motion shall constitute consent to the denial of the motion." *See* LCR 47-9. Moreover, the Government has cited to compelling authority in its response indicating that the Court does not have authority to grant the requested furlough under 18 U.S.C. § 3622, to which Defendant did not reply. Accordingly,

**IT IS HEREBY ORDERED** that Defendant's Motion for Medical Furlough (#244) is **denied without prejudice.**

DATED: January 24, 2014.

  
 C.W. Hoffman, Jr.  
 United States Magistrate Judge